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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re United States Patent Application of: |) | Docket No.: | 4241-198 CON | |
| Applicants: | BARETZ, Bruce H. and TISCHLER, Michael A. |) | Examiner: | Abul Kalam |
| Application No.: | 10/623,198 |) | Art Unit: | 2814 |
| Date Filed: | July 18, 2003 |) | Conf. No.: | 2836 |
| Title: | SOLID STATE WHITE LIGHT EMITTER AND DISPLAY USING SAME |) | Customer No.: | |

FACSIMILE TRANSMISSION CERTIFICATE

Fax No.: (571) 273-8300

I hereby certify that this document is being filed in the United States Patent and Trademark Office on August 28, 2009, via facsimile transmission, addressed to Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, and transmitted to United States Patent and Trademark Office facsimile transmission number: (571) 273-8300. No. of pages: 11

/steven j. hultquist/

Steven J. Hultquist

August 28, 2009

**SUBMISSION OF DECLARATION OF BRUCE H. BARETZ AND MICHAEL A. TISCHLER
UNDER 37 CFR §1.131 IN U.S. PATENT APPLICATION NO. 10/623,198**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This documents the teleconference of the undersigned attorney on August 26, 2009 with Examiner Abul Kalam concerning Japanese Patent Application H07-176794 filed in the name of Yoshinori Shimizu and

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published on July 14, 1995 ("Shimizu"). Such reference is already of record, having been cited by applicants in a Supplemental Information Disclosure Statement filed January 11, 2005 in this application, and previously considered by Examiner Thao Le.

Shimizu is not prior art to the applicants' claimed invention.

In support of such assertion, enclosed is a Declaration submitted under the provisions of 37 CFR §1.131 by the applicants Bruce H. Baretz and Michael A. Tischler, setting forth facts showing their making of the claimed invention before the July 14, 1995 effective date of Shimizu.

Based on the accompanying Declaration under 37 CFR §1.131 by the applicants Bruce H. Baretz and Michael A. Tischler, and the reasons of record, claims 31, 33-36, 44, 47-48, 51-52, 70-71 and 73-76 are patentable over the art, and in form and condition for allowance.

It is correspondingly requested that a Notice of Allowance be issued for this application.

Respectfully submitted,

/steven j. hultquist/

Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

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TECHNOLOGY LAW
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4241-198-CON